

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:05CR419
vs.)
CURTIS A. ROBEY,)
Defendant.) ORDER

This matter is before the court on the motion to file pre-trial motions out of time by defendant Curtis A. Robey (Robey) (Filing No. 13). Robey seeks three weeks in which to file pretrial motions in accordance with the progression order (Filing No. 7). Robey's counsel represents that Robey will submit an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Robey's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Robey's motion to file pre-trial motions out of time (Filing No. 13) is granted. Defendant Robey is given until **on or before January 27, 2006**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 3, 2006 (the original motion deadline) and January 27, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 6th day of January, 2006.

BY THE COURT:

s/Thomas D. Thaiken
United States Magistrate Judge